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Appl. No. 10/757,945

Supplemental Remarks dated August 7, 2006 to the July 12, 2006 Amendment
Reply to Office Action of February 16, 2006

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By: [Signature]
Robert J. Doherty

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/757,945
Applicant : STRONG, JOSEPH M.
Filed : January 15, 2004
Title : IMPROVED DIE HEAD ASSEMBLY
FOR NIBBLER TOOL

TC/A. U. : 3724
Examiner : Omar Flores Sanchez

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL REMARKS AND ARGUMENTS

In the amendment filed with the U.S. Patent Office July 12 2006, a
distinguishing explanation of how the device of the Turner patent operated was

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made including a Declaration submitted by the subject applicant. That explanation was directed to the reason why the Turner device was not operational in the hand steerable manner of the present application and referred to the actual operation of the Turner nibblers produced by patentee and discussed on Pages 8 and 9 of the above referenced amendment.

While working with the applicant in a related matter, the undersigned attorney was made aware of Rodman & Co. publications. At the time of publishing, Rodman & Co. was Turner's Licensee and importer of Turner devices.

The first publication is a one page advertisement or product insert entitled The Rodman Nibbler Sheet-Metal Cutting Head and is believed to have been published around 2001. This publication illustrates a replacement die in the lower left portion of the sheet and upon close observation shows one of the four equidistantly-spaced bores or depressions referred to on Line 15, Page 8 of the July 12, 2006 amendment. To the right of this picture, the advertisement states that the cutting head can be turned 360 degrees but, of course, this head rotation refers to moving the drill and nibbler to which the head is attached through such rotation to gain that movement.

The second publication is an article written by Richard Allen Dickey on Pages 104, 106, 107, 110, 112 and 113 of the July 2001 edition of The National Locksmith magazine. The reason for the four bores in the Turner device (again it

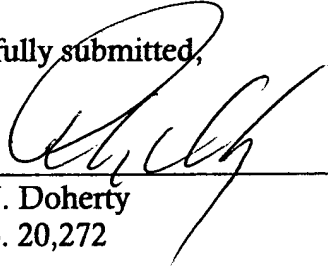
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should be noted that Rodman is Turner's U.S. Licensee and imports the Turner nibbler) is to equalize wear on the cutting face of the punch (see Page 106 of the above referenced The National Locksmith article). Note particularly the last sentence of the third full paragraph on Page 106 where the author states "He did mention ... in all four cutting positions".

Thus, it is believed clear that Turner anticipates and or teaches only fixed cutting positions and not the ability for one to manually steer the cutting head vis-à-vis the body of the nibbler 360 degrees. As this concept and the structure that facilitates such and as set out in the claims is not taught nor suggested by Turner, it is again asserted that the Turner reference should be removed and the claims at bar in this application allowed.

Respectfully submitted,



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